

REMARKS

The Office Action of July 8, 2010 has been received and carefully reviewed. It is submitted that, by this Amendment, all bases of rejection and objection are traversed and overcome. Upon entry of this Amendment, claims 28-41 and 43-47 remain in the application. Claim 42 is cancelled herein without prejudice. Reconsideration of the claims is respectfully requested.

Claims 30 and 34 have been revised to correct an inadvertent error in dependency. Revised claims 30 and 34 now depend from claim 29, rather than from claim 28 as previously presented.

Claim 29 stands objected to because of an informality. The Office states that "in line 1, 'dies' should read --die--." Applicants have revised claim 29 to correct the objected-to informality. As such, it is submitted that the objection has been obviated, and withdrawal of the objection is respectfully requested.

Claims 31, 33-35, 39, 42 and 47 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office states that there is insufficient antecedent basis for "said die button" in claims 31, 33, 34 and 35. Applicants respectfully submit that claims 31 and 33-35, with claims 30 and 34 (as revised) depend ultimately from claim 29. Claim 29 recites a die button and provides antecedent basis for claims 31 and 33-35.

The Office states that claims 39 and 42 appear to be duplicated claims. Claim 42 has been canceled herein, thereby obviating the rejection.

The Office gives the following reason for rejecting claim 47: The phrase "proximal end of said" is not complete therefore the claim is rendered indefinite. Claim 47 has been revised to recite the word "plunger" which had been inadvertently omitted at the end of the phrase "proximal end of said plunger." Support for this revision may be found throughout the application as filed, but at least in claim 39 and in Fig. 5C. It is submitted that Claim 47 as revised is not indefinite, and the § 112, second paragraph rejection should be withdrawn.

Claims 28-47 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-24 of U.S. Patent No. 6,957,483. While not acquiescing to the rejection by the Office, Applicants submit herewith the following: a terminal disclaimer in compliance with 37 CFR § 1.321(c) to overcome the rejection of claims 28-41 and 43-47 based on nonstatutory obviousness-type double patenting as being unpatentable over claims 1-24 of U.S. Patent No. 6,957,483. With the submission of the terminal disclaimer, the Applicants respectfully submit that the double patenting rejection should be withdrawn.

For all the reasons stated above, it is submitted that Applicants' invention as defined in independent claims 28 and 38, and in those claims depending ultimately therefrom, is not anticipated, taught or rendered obvious by the cited reference, either alone or in combination, and patentably defines over the art of record.

It is submitted that the absence of a reply to a specific rejection, issue or comment in the instant Office Action does not signify agreement with or concession of that rejection, issue or comment. Finally, nothing in this amendment should be construed as an intent to concede any issue with regard to any claim, except if specifically stated in this amendment, and the amendment of any claim does not signify concession of unpatentability of the claim prior to its amendment.

In summary, claims 28-41 and 43-47 remain in the application. In view of the foregoing arguments, all pending claims are believed to be in condition for allowance, and such action is respectfully requested. Therefore, this response is believed to be a complete response to the Office Action, and further and favorable consideration is respectfully requested.

It is believed that no extensions of time or fees are required, but to the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this Amendment, including extension of time fees, to Deposit Account 50-2100, and please credit any excess fees to such deposit account.

Appln. S.N. 10/594,203
Amdt. dated October 7, 2010
Reply to Office Action of July 8, 2010
Docket No. WIC-115-A (0062P-35US)
Page 8 of 8

If the Examiner believes it would expedite prosecution of the above-identified application, the Examiner is cordially invited to contact the undersigned attorney at the below-listed telephone number.

Respectfully submitted,

DIERKER & ASSOCIATES, P.C.

/Julia Church Dierker/

Julia Church Dierker
Attorney for Applicant
Registration No. 33368
(248) 649-9900, ext. 25
juliad@troypatent.com

3331 West Big Beaver Rd., Suite 109
Troy, Michigan 48084-2813
Dated: October 7, 2010
JCD/JBD/slc